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8	BEFORE THE BOARD OF REGISTERED NURSING	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10	STATE OF CA	CH ORNA
11	T. A. M. H. Gallanda and J. A. M. Marianta	Case No. 2013-496
12	In the Matter of the Accusation Against:	Case No. 2012 111
	JAMIE L. BERARDUCCI 231 Manor Drive	
13	San Carlos, CA 94070	ACCUSATION
14	Registered Nurse License No. 685567 Clinical Nurse Specialist Certificate No. 3170	
15	Respondent.	
16		
17	Complainant alleges:	
18	<u>PARTIES</u>	
19	1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Accusation solely in her	
20	official capacity as the Executive Officer of the Board of Registered Nursing (Board),	
21	Department of Consumer Affairs.	
22	2. On or about August 4, 2006, the Board issued Registered Nurse License Number	
23	685567 to Jamie L. Berarducci (Respondent). The Registered Nurse License was in full force and	
24	effect at all times relevant to the charges brought herein and will expire on September 30, 2013,	
25	unless renewed.	
26	3. On or about May 4, 2009, the Board issued Clinical Nurse Specialist Certificate	
27	Number 3170 to Respondent. The Clinical Nurse Specialist Certificate expired on September 30,	
28	2011, and has not been renewed.	
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JURISDICTION

- 4. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.
- 5. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 6. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

STATUTORY PROVISIONS

- 7. Code section 490 provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
- 8. Code section 2761(f) provides that the Board may take disciplinary action against a certified or licensed nurse for "[c]onviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."
 - 9. Code section 2762 states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof."

COST RECOVERY

10. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(Substantially-Related Conviction)

11. Respondent is subject to disciplinary action under Code sections 490 and 2761(f) in that, on or about September 13, 2011, in San Mateo County Superior Court, Case Number SM375168A, Respondent was convicted of having violated Vehicle Code section 23152(b) (driving with a blood alcohol level of .08 percent or higher). Respondent admitted driving with a blood alcohol content of .20 percent or higher. Imposition of sentence was suspended and Respondent was placed on three years probation and ordered to, among other things, serve 12 days jail time, and complete a 90-day residential treatment program. The conviction arose from Respondent's arrest on or about January 29, 2011, after Respondent flagged down Menlo Park police officers for assistance. Respondent told the officers that she was lost and was coming from work at El Camino Hospital. Responding officers found an almost empty bottle of vodka under the driver seat of Respondent's car. Respondent's blood alcohol level was measured at .24 percent.

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SECOND CAUSE FOR DISCIPLINE

(Dangerous/Injurious Use of Alcohol)

12. Respondent is subject to disciplinary action under Code section 2762(b) in that, on or about January 29, 2011, she used alcohol in a manner dangerous or injurious to herself or others, as described in paragraph 11, above.

THIRD CAUSE FOR DISCIPLINE

(Alcohol-Related Conviction)

13. Respondent is subject to disciplinary action under Code section 2762(c) in that, on or about September 13, 2011, she was convicted of a criminal offense involving the consumption of alcohol, as described in paragraph 11, above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 685567, issued to Jamie L. Berarducci;
- 2. Revoking or suspending Clinical Nurse Specialist Certificate Number 3170, issued to Jamie L. Berarducci;
- 3. Ordering Jamie L. Berarducci to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
 - 4. Taking such other and further action as deemed necessary and proper.

DATED: December 17, 2012 States

LOUISE R. BAILEY, M.ED., RN

Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California Complainant

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